

## REMARKS

Applicants thank Examiner Pollack, Primary Examiner Winder, and Supervisory Examiner Cardone for granting the personal interview with the undersigned and the other co-inventor, Margaret A. Moore, on October 27, 2005. During the interview, a draft narrowed, replacement independent claim was presented and discussed, which clearly distinguishes the primary two references of record, Chao and Bro. Even if there were motivation to combine these references, that combination would not yield the invention of new independent claim 40, which substitutes for prior, now-cancelled independent claim 1. Neither the teaching system of Chao (which is not coaching), as required by claim 40, nor the automated, un-scheduled, “canned” health coaching system of Bro, provides an Internet-based personal, health related system in which coach and client agree, in real-time, on the client’s life habits to change, and agree on the client’s personal goals.

In addition, new claim 40 requires that at least some of the coach-client communications employ Internet technology (including web-based systems) that are not e-mail-based; i.e., the client and coach access a client-specific website to which other clients do not have access, and the coaches use a common web platform.

This feature is important in terms of both scalability and client confidentiality. It is found nowhere in the prior art, including the anecdotal prior art referenced on the accompanying Supplemental Information Disclosure Statement, describing anecdotal (not

documented) organized groups of personal coaches using scheduled e-mail to coach their clients.

With respect to paragraph 13 of the Office Action, an objective indicium of non-obviousness is contained in the accompanying declaration of Margaret Moore. The declaration establishes a nexus between the referenced tribute to the invention and the features of the invention recited in claim 40.

With respect to statements in the Interview Summary regarding objective indicia of non-obviousness, in this case such objective indicia are not needed; the Moore declaration is submitted only for the sake of completeness. Such evidence is unnecessary because of the lack of a prima facie case of obviousness. The Interview Summary states that the “Examiner agreed that said proposed amendment (i.e. new claim 40, which is actually narrower in scope than the claim presented at the Interview) would teach around the above-combination.....”

Because independent claim 40 is, for the reasons given above, patentable over the prior art, it necessarily follows that the claims that depend from claim 40, being narrower in scope, are patentable as well.

Applicants note that the Form PTO-1449 that was submitted with an Information Disclosure Statement filed on September 11, 2000 has not been initialed and returned, and hereby request that it be initialed and returned.


Enclosed is a Petition to extend the period for replying to the final Office action

for three months, to and including January 14, 2006, and a check in payment of the required extension fee.

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: Jan. 17, 2006



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